

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:)	<u>IN PROCEEDINGS UNDER CHAPTER 7</u>
)	
DEAN MAYNARD BOLAND,)	CASE NO. 16-10250-jps
)	
Debtor)	U.S. BANKRUPTCY JUDGE
)	JESSICA E. PRICE SMITH

**OBJECTION OF DEBTOR, DEAN MAYNARD BOLAND,
TO MOTION OF JOHN W. FORREST
FOR RELIEF FROM STAY**

Now comes the Debtor, Dean Maynard Boland, by and through his counsel, and hereby objects to the granting of the Motion of John W. Forrest (hereinafter “Forrest”) for Relief from Stay for the following reasons:

1. The Debtor filed a petition for relief under Chapter 7 of the Bankruptcy Code on January 20, 2016 (hereinafter “Petition Date”).

2. Forrest is the Settlor and a Qualified Beneficiary of both the John W. Forrest Irrevocable Trust dated March 6, 2012 and of the John W. Forrest Legal Fund Trust dated March 6, 2012 (hereinafter referred to as the “Trusts”). BH Patterson and Margaret Dell Patterson are currently additional Qualified Beneficiaries of the Trusts.

3. At the time of the filing of the petition herein, there was pending before the Second Judicial Circuit Court of Jefferson County, Florida, Circuit Civil Division, a certain action brought by the Movant against the Debtor and others, entitled *John W.*

Forrest, as Settlor and Qualified Beneficiary of the Trusts v. Dean Boland, as Trustee of the Trusts, et al., being Case Number 14-000150-CA. That action sought, in the Third Amended Complaint, the removal of the Debtor herein as the sole Trustee of the Trusts, the removal of BH Patterson and Margaret Dell Patterson, as Qualified Beneficiaries of the Trusts, and money damages against the Debtor herein. There was further pending before the First District Court of Appeals in Tallahassee, Florida a civil appeal by Forrest of a prior ruling of the Second Judicial Circuit Court in that underlying case, being Case Number 1D15-3597.

4. The Debtor, as the sole remaining Trustee of the Trusts, has been defending the Trusts against the above action by Forrest based upon the understanding held by the Debtor that Forrest intended to liquidate both Trusts so Forrest could use the funds for an improper and illegal purpose. Prior to the filing of the Motion herein, the Debtor offered to withdraw as Trustee of the Trusts with certain assurances from Forrest. Without response to such offer, Forrest filed his Motion herein.

5. 11 U.S.C. §362(d) provides in relevant part the following:

(d) On request of a party in interest and after notice and hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay –

(1) for cause, including the lack of adequate protection in an interest in property of such party in interest;

While the instant Motion fails to specifically so state, the Movant is proceeding under this subsection. The Motion fails to state any cause for relief from stay except that “(c)ause exists here”.

6. The Motion further alleges that relief is necessary for the purpose of removing the Debtor as the Trustee of the Trusts. The Debtor has offered his resignation prior to the filing of this Motion. Cause does not now exist for proceeding in the Florida action.

7. Lastly, the burden upon the Debtor to defend the action in Florida state court is excessive and unnecessary.

WHEREFORE, the Debtor, Dean Maynard Boland, prays this Honorable Court for an Order denying the Motion of John W, Forrest for Relief from Stay, and for such other and further relief as this Court may deem just.

/s/ Stephen D. Hobt

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SERVICE

I hereby certify that on March 25, 2016, a true and correct copy of the Debtor's Objection to Motion for Relief from Stay was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Dov Y. Frankel, Esq., on behalf of John W. Forrest, at dfrankel@taftlaw.com.
Richard A. Baumgart, Chapter 7 Trustee, at baumgart_trustee@dsb-law.com.
Sheldon Stein, Esq., on behalf of Victoria Bloom and Peter Lora,
at ssteindocs@gmail.com.
Jonathan E. Rosenbaum, Esq., on behalf of Peter M. Lora and Victoria Bloom,
at jerosenbaum@windstream.net.

And by regular U.S. mail, postage prepaid, on:

Dean Maynard Boland
1440 Lewis Drive
Lakewood, Ohio 44107

/s/ Stephen D. Hobt

STEPHEN D. HOBT
Attorney for Debtor